

ENTERED

April 13, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

§

Plaintiff,

§

VS.

§

6.584 ACRES OF LAND, more or
less, HIDALGO COUNTY, TEXAS; ELOISA
ROSA CAVAZOS; et al.,

§ CIVIL ACTION NO. 7: 20-cv-00244

Defendants.

ORDER

The Court now considers Defendant Eloisa Cavazos's unopposed motion to continue the parties' upcoming initial pretrial conference and joint discovery/case management plan deadline.¹ Because the motion is unopposed, the Court considers it as soon as practicable.²

On February 2, 2021, the Court continued the parties' initial pretrial and scheduling conference until April 13, 2021, and deadline to file a joint discovery/case management plan until April 2, 2021, in light of President Biden's January 20th proclamation.³ Defendant now requests to extend the conference and deadline by at least thirty days.⁴ In support of her request, Defendant provides that the Proclamation directed the development of a "plan for the redirection of funds concerning the southern border wall" by March 21, 2021;⁵ however, "the government has not yet completed the plan."⁶ Defendant further provides that "[i]f the new plan indicates that the subject property is no longer needed for the purpose taken, Defendant will request revestment

¹ Dkt. No. 56.² LR7.2 ("Motions without opposition and their proposed orders must bear in their caption 'unopposed.' They will be considered as soon as it is practicable.").³ Dkt. No. 55 (citing Pres. Proc. No. 10142, 86 Fed. Reg. 7225 (Jan. 20, 2021)).⁴ Dkt. No. 56 at 5, ¶ 14.⁵ Dkt. No. 56 at 2–3, ¶¶ 2 & 5 (citing Pres. Proc. No. 10142, 86 Fed. Reg. 7225 (Jan. 20, 2021)).⁶ Dkt. No. 56 at 3, ¶ 7.

from the United States.”⁷ She argues that “[a]bsent a plan, Defendant[] cannot assess the legal foundation of the government’s requests or possibility of revestment.”⁸ In considering Defendant’s request, the Court notes that the United States has provided no indication that the plan will be developed within sixty days. The Court is concerned that granting a continuance on this basis will merely lead to the indefinite continuation of this case. For these reasons, the Court does not find good cause for a continuance on that basis.

Accordingly, the Court **DENIES** Defendant’s motion.⁹

IT IS SO ORDERED.

DONE at McAllen, Texas, this 12th day of April 2021.



Micaela Alvarez
United States District Judge

⁷ *Id.*, ¶ 6.

⁸ *Id.*, at 4, ¶ 8.

⁹ Dkt. No. 56.